

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

LIBERTARIAN PARTY OF MISSISSIPPI

PLAINTIFF

VS.

Civil Action No. 1:24-cv-00037-LG-RPM

**JUSTIN WETZEL, in his official capacity
as the clerk and registrar of the Circuit Court of
Harrison County; TONI JO DIAZ, BECKY
PAYNE, BARBARA KIMBALL,
CHRISTENE BRICE, and CAROLYN
HANDLER, in their official capacities as
members of the Harrison County Election
Commission; and MICHAEL WATSON, in
his official Capacity as Mississippi's Secretary
of State**

DEFENDANTS

**DEFENDANT SECRETARY OF STATE MICHAEL WATSON'S UNOPPOSED MOTION
TO EXEMPT DEFENDANT FROM FILING ANSWER TO PLAINTIFF'S
COMPLAINT TO ACCOMMODATE PARTIES' ANTICIPATED FILING
OF EARLY CROSS-MOTIONS FOR SUMMARY JUDGMENT**

Defendant Michael Watson, in his official capacity as Secretary of State of Mississippi (“Defendant”), pursuant to FED. R. CIV. P. 7, files this his unopposed motion to exempt Defendant from filing an answer or other response to Plaintiff’s Complaint to accommodate the parties’ anticipated filing of early cross-motions for summary judgment, and in support thereof would show unto the Court the following:

1. On February 5, 2024, Plaintiff filed its Complaint challenging the legality of MISS. CODE ANN. § 23-15-637(1)(a), a Mississippi Election Code statute governing the deadline for receipt of mail-in absentee ballots, on federal statutory and constitutional grounds.
2. Defendant was served with Plaintiff’s Complaint on February 9, 2024, making Defendant’s answer or other response due on or before March 1, 2024.

3. On February 5, 2024, Defendant was served with a Complaint in a related action styled *Republican National Committee, et al. v. Wetzel, et al.*, in the United States District Court for the Southern District of Mississippi (Southern Division), Civ. Action No. 1:24-cv-00025-LG-RPM. The Complaint in the aforementioned related action was filed against the same defendants named in the instant action and is also pending before this Court.

4. Both the instant action and the above-mentioned related action implicate related questions of law capable of resolution by the Court. Accordingly, and in an effort “to secure the just, speedy, and inexpensive determination” of this action, see FED. R. CIV. P. 1, Plaintiff and Defendant in the instant action anticipate coordinating with all other named defendants and the plaintiffs in the above-mentioned related action to dispose of all claims in both cases via cross-motions for summary judgment to be separately filed in both actions. It is anticipated that the parties will, in the near future, seek to consolidate these cases to allow for a coordinated briefing schedule on the parties’ respective cross-motions for summary judgment.

5. To accommodate the foregoing contemplated adjudication of this matter via FED. R. CIV. P. 56, and in lieu of otherwise filing a pre-answer motion to dismiss pursuant to FED. R. CIV. P. 12, Defendant requests that he be exempted from filing an answer or other response to Plaintiff’s Complaint [Dkt. #1] by March 1, 2024, or otherwise, subject to further order of this Court regarding the prospective entry of a briefing schedule on the parties’ anticipated cross-motions for summary judgment.

6. In filing this motion, Defendant preserves, and does not waive, any and all defenses to the Complaint filed against him in the instant action and the above-mentioned related action.

7. Counsel for Plaintiff has advised that the relief sought herein is unopposed.

8. This motion is not interposed for delay or other improper purpose. Given the straightforward nature of the relief sought herein, Defendant requests that the Court waive the requirement of filing a separate memorandum of authorities.

WHEREFORE, PREMISES CONSIDERED, Defendant Michael Watson, in his official capacity as Secretary of State of Mississippi, respectfully requests that the Court make and enter its Order exempting him from filing an answer or other response to Plaintiff's Complaint [Dkt. #1] by March 1, 2024, or otherwise, subject to further order of this Court regarding the prospective entry of a briefing schedule on the parties' anticipated cross-motions for summary judgment.

THIS the 16th day of February, 2024.

Respectfully submitted,

MICHAEL WATSON, IN HIS OFFICIAL
CAPACITY AS SECRETARY OF STATE OF
MISSISSIPPI, DEFENDANT

By: LYNN FITCH, ATTORNEY GENERAL
STATE OF MISSISSIPPI

By: s/Rex M. Shannon III
REX M. SHANNON III (MSB #102974)
Special Assistant Attorney General

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ATTORNEYS FOR DEFENDANT MICHAEL WATSON, IN HIS OFFICIAL CAPACITY AS
SECRETARY OF STATE OF MISSISSIPPI

CERTIFICATE OF SERVICE

I, Rex M. Shannon III, Special Assistant Attorney General and one of the attorneys for the above-named State Defendant, do hereby certify that I have this date caused to be filed with the Clerk of the Court a true and correct copy of the above and foregoing via the Court's ECF filing system, which sent notification of such filing to all counsel of record.

THIS the 16th day of February, 2024.

s/Rex M. Shannon III
REX M. SHANNON III